



220 East Park

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Livingston, MT 59047

Livingston JOB SERVICE EMPLOYER

January 8, 2008 Minutes of the Meeting

Jim Hunt, Chairman
Retired

Joe Bennett, Manager
Albertsons

Susy Dunn, Consumer Loan Officer
First Interstate Bank

Jim Durgan, Commissioner
Park County

Manny Goetz
Yellowstone Country Motors

Hillary Johnson, Residential Director
Counterpoint

Gary Kane, Principle
Livingston Park High School

Jane Wynne Larkin, E.D.
Frontier Assisted Living

Ed Meece, City Manager
City of Livingston

Polly Miller
Park County

Dick Murphy, Commissioner
Park County

Lou Ann Nelson, Office Manager
Livingston Chamber of Commerce

Pam Payovich, Financial Dept
City of Livingston

Gay Penney, Marketing Specialist
Sky Federal Credit Union

Charlton Pino, Owner
Big Bear Contracting

Marne Reed, HR Manager
Printingforless.com

Lara Salazar, HR Specialist
Community Health Partners

Michele Severson, CSR
American Bank

Chuck Sinclair, Interim Administrator
Evergreen of Livingston

Brian Sparks, Director
Yellowstone Gateway Museum

Joyce Heiser, Manager
Livingston Job Service

Susan Hanken
Business Resource Consultant

MEMBERS PRESENT: Jim Hunt; Chairman, Dick Murphy; Park County Commissioner, Susy Dunn; First Interstate Bank, Joyce Heiser, Gail Habener, Susan Hanken; Livingston Job Service.

ORDER OF AGENDA:

In response to our Chairman; Jim Hunt's suggestion to appoint someone to the Vice Chair position, Dick Murphy was nominated and I am happy to announce that he has accepted the responsibility. Thank you and congratulations to Dick Murphy.

1. *Bank Balance Review

2. *2008 Calendar of Events in place.

January 29 : The Avitus Group and Greg Kohn – Hiring A Talented And Motivated Workforce.

February 6 : 33rd Annual Montana Economic Outlook Seminar.

February 7 : Montana Economic Development Association BEAR Roundup in Butte.

March 5 : Jom Nys of Personnel Plus – Progressive Discipline and Termination.

March 6 : Jim Nys of Personnel Plus – Management and Leadership.

April 14-17: JSEC Conference in Great Falls.

April 22/24: 8th Grade Business After Hours.

April 23 : 3rd Annual Livingston Job Fest at the Civic Center.

May 14 : Assistance For Business Clinic.

If enough money comes in from the January 29th Workshop, JSEC will pay for one member to attend the JSEC Conference in Great Falls in April. Jim said that it is important that we attend and participate in the Conference.

Sue made contact with Department of Labor and Industry Research and Analysis about the 8th grade Business After Hours that Tena Versland, Principle of Sleeping Giant Middle School, is interested in arranging for her 8th grade students. Annette Miller from DLI R&A talked about several workshops that she has conducted at other schools. R&A has sponsored day long workshops incorporating mock interviews, career choices, and labor force information. She has also put on workshops incorporating "The Real Game" theme for adults and can modify the contents of this workshop to present to a young student audience. Sue handed out information about The Real Game. Annette has agreed to work with our Middle School on their 8th Grade Business After Hours event. Sue and Tena exchanged emails about Annette Miller and R&A and Tena will contact Annette this week. Hopefully, there will be more to come about this event.

Gail is on the committee arranging the 3rd annual Livingston Job Fest. Different ideas about the Job Fest in general were discussed. If Job Fest outgrows the Civic Center, Members suggested considering the Fair Grounds building as a location for the Job Fest since the space is large enough to accommodate the event, the building is considered nicer by Members, and the parking is better than at the Civic Center. Someone also suggested hosting the Job Fest as an outdoor event. Everyone agreed that the Civic Center needs to be upgraded. The City has considered renovating the building in the past but nothing has been done about any such project. Dick Murphy is meeting with the City this week and he will ask about the plans to renovate the building. Job Fest funds were used to purchase a sign board that will be used to announce the Job Fest and other events as well. The sign is 2' by 4' and sits in a non tip base that can be placed outside the building along the street or in front of a JSEC Member's business.

Sue has been promoting the upcoming "Hiring A Talented And Motivated Workforce" event scheduled for the 29th of January. She sent out around 500 emails, letters, and faxes, posted the event information in the Livingston JSEC Newsletter, the Livingston Chamber of Commerce Newsletter, and the Livingston Enterprise. She emailed the flyer to the Gardiner Chamber of Commerce. Both papers; the Enterprise and the Livingston Weekly, will post the event in their Calendar News each week leading up to the event. Gail will post information about the upcoming Avitus Group workshop on the sign board purchased with the Job Fest funds.

JSEC Minutes Continue January 8, 2008

3. *2008 JSEC Meeting Planning and Requests: Topics of Interest, Guest Trainers, MSEC

Jim suggested that a future workshop cover Davis Bacon wages, laws, and work contracts and expressed his concerns on this topic. How many people who take on federal contracts, really understand them? Who enforces that people get their wages if not paid properly? This is a good topic for the Trades and for Accountants. Sue will ask Livingston's ABC Clinic Wage & Hour guest speakers to dedicate 15 minutes or longer on Davis Bacon wages during the Clinic. JSEC will sponsor a workshop on this topic and Sue will move forward with the plans depending on what is presented at the ABC Clinic.

4. *Recruiting JSEC Membership:

There is a new generation of Employers, Business Owners and HR Specialists out there who may not be aware of JSEC or what is happening in our community. Dick would like to see Xanterra HR become more involved with our workshops and JSEC. We will invite other Job Service Employers to attend meetings and talk about their jobs. Jim Hunt will visit with the lending institutions in town and Scott Whiting to solicit interest in JSEC. Susy would like Sue to take the Calendar of Events and JSEC information door to door to gather interest.

Other recruitment ideas include:

1. Every Member bring a guest to one of our meetings.
2. Host a luncheon membership drive.
3. Move the meeting location amongst businesses.
4. Change the time of the meeting. All those present prefer the time slot we have now.
5. Send out postcard invitations or a formal letter of invite to our meetings and follow up with a phone call.
6. If a Member can not come to the meeting, then send someone in your place.
7. Utilize Adult Education to post JSEC sponsored workshops.
8. Get The Enterprise to write articles about JSEC and our Workshops.
9. JSEC can sponsor other community events.

Also, we will invite RC&D to the table to address workforce problems and housing issues. Sue will talk about this with Kara Stermitz from RC&D SBDC who is a member of the Livingston BEAR Team. The overall consensus is that people can not get jobs that pay higher wages and they do not want to work for low wages. Discussion turned to the mortgage foreclosure crisis prevalent in different parts of the country. Predatory lending has not been an issue in Montana. According to Susy, mortgage programs will be getting more strict and difficult to get come March. Discussion continued about payday lenders, credit card companies, and debtors.

5. *What's New and Interesting:

The Real Game – www.realgame.org/games/TRG
BUSINESS BEAT – Northern Rocky Mountain RC&D SBDC Newsletter- <http://www.nrmrcd.org/>
Presidential Politics-Predictions for the Workplace by John Phillips HR Hero
10 Reasons bad Employees Don't Get Fired
Employee Off-Duty Activity-Showdown costs gunslinger his job.
December 2007 County Labor Force Statistics

Next Meeting:

Tuesday - February 19, 2008

10 Reasons Bad Employees Don't Get Fired

By Tag Goulet, FabJob.com

Have you ever received poor service from someone you expected should be helping you as part of his or her job? The answer is almost certainly "yes."

And, if you're like most people, you have probably also experienced the frustration of working with someone who made your own job more difficult.

In both cases you may have wondered, "Why don't they just fire this person?"

Firing someone may seem easy in theory, but it is often a last resort for an employer. A bad employee's supervisor may know that the employee isn't performing up to snuff, but that supervisor - or the company -- may have what they consider to be a good reason for not firing the employee.

Whenever you encounter someone who you think deserves to be fired -- either in your own workplace or elsewhere -- consider if any of the following might be the reason the bad employee is still on the job:

1. The employee has a relationship with someone higher up.

A relationship doesn't necessarily have to be romantic or family, although either is a possibility. In many cases, the relationship that keeps someone from getting fired is friendship. The bad employee may not perform well on the job, but may be a golf or drinking buddy for your boss, or may simply be someone that senior management enjoys having around the office.

2. The boss relies on the employee.

According to Terence R. Mitchell, Ph.D., author of the business text "People in Organizations: Understanding Their Behavior," when a supervisor depends on an employee, the supervisor is less likely to attribute poor performance to the employee's ability or attitude, and more likely to attribute the poor performance to forces beyond the employee's control.

3. The employee brings more value to the company than he or she costs.

Maybe the employee who jokes around and wastes other employees' time at meetings is also a brilliant worker whose productivity has resulted in significant revenue for the company.

4. The boss thinks it could be worse.

Even if everyone knows the employee is not pulling his or her weight, management may fear that a replacement could do an even worse job. This fear is compounded if the company has previously had other people perform more poorly in the position.

5. The boss is afraid of the employee.

If there are concerns that an employee might sue the company or possibly become violent if fired, it may take longer to let that employee go. If there's a threat, the company needs to consult with legal or security experts and put appropriate measures in place before letting a bad employee go.

6. The boss feels sorry for the employee.

In such cases, a boss is sympathetic to the employee, and not to those whom the employee's actions may be hurting. The boss may worry that if the bad employee is fired, he or she won't be able to find another job. If the employee needs the money to support a family, has health problems, or has recently experienced another life challenge, the boss may feel it's best to let the employee keep the job.

7. The boss doesn't want to go through the hiring process.

It takes time to review applications, conduct interviews, check references, and train a new person. The boss may believe it's easier to deal with the consequences when the bad employee messes up rather than deal with hiring a replacement.

8. The employee knows something.

The employee might know something embarrassing about the boss, but it's more likely he or she simply knows historical information that the company needs today. For example, if the employee is the only one who knows how to operate an ancient piece of equipment that the company still uses, your employer may need to keep the employee around.

9. The employee has everybody fooled.

In their book "Snakes in Suits," Paul Babiak, Ph.D. and Robert D. Hare, Ph.D., explain that a surprising number of workplaces employ psychopaths. While psychopaths make up 1 percent of the general population, Babiak and Hare found that 3.5 percent of the executives they worked with "fit the profile of the psychopath." Psychopathic employees are pathological liars who get away with doing little or no work. They charm senior management with their "leadership potential," con co-workers into covering for them, and successfully blame others for their mistakes. If you're the only one who sees what they're up to, you're in a tough spot. Sometimes it's the whistle-blower who gets fired, not the snake.

10. He or she is not really a bad employee.

So what if a co-worker sometimes works from home, takes long lunches, or does something else you don't think is fair – as long as his or her work gets done. If you're not the supervisor, you're not personally affected, and the employee is not hurting anyone such as customers or co-workers, stop stressing over what he or she does and focus instead on your own work.

Tag Goulet is co-founder of FabJob.com, a publisher of career guides offering step-by-step advice for breaking into a variety of dream careers. Visit www.FabJob.com to subscribe to the free career newsletter.

Last Updated: Tuesday, December 18, 2007 - 3:05 PM

EMPLOYEE OFF-DUTY ACTIVITY

Showdown costs gunslinger his job

Usually, you can't fire an employee for his off-duty conduct unless work is affected. When the employee works for the U.S. Department of Homeland Security (DHS), however, packing a gun can cost him his job.

Facts

Richard Harp was employed by the DHS. He also owned property in Cascade County. One day, he decided to close off a road running through his property that had been used by his neighbors. While he was in the process of doing that, a neighbor, Merle Christiansen, drove up and argued with him, telling him that he couldn't close the road.

Harp went to his vehicle, got his trusty .357 pistol, and strapped on his gun belt. He notified Christiansen that he was a federal law enforcement officer, and ordered him to leave the property. Christiansen refused. He said, "I'm not leaving, so what are you going to do? Shoot me?" Harp replied, "Only if necessary." He then put Christiansen under citizen's arrest for trespassing.

Sheriff arrives

Meanwhile, Harp's wife called the Cascade County Sheriff's Office. Deputy Karen Matthews arrived to investigate. Harp told her that he was with the U.S. Immigration Service. The deputy helped the neighbors reach a temporary solution and left the scene.

When Matthews returned to her post, her captain suggested that she contact the DHS to verify Harp's employment. The agency confirmed that he was indeed one of its employees and requested a copy of the incident report. Several months later, Harp was interviewed by a supervisor about the incident; he was fired for exercising poor judgment and dangerous, irresponsible conduct.

Lawsuit

Harp filed a lawsuit, but not against his employer. He sued Matthews, claiming that she had committed criminal defamation, invasion of privacy, nonfeasance or misfeasance, and had breached the public trust by providing his employer with information relating to his confrontation with his neighbor. The district court granted judgment to Matthews without a trial. Harp then appealed to the Montana Supreme Court.

The supreme court shot down Harp's claims. First, the justices said that since Matthews' incident report was made in the performance of her official duties, it couldn't be the basis for a libel or slander claim. With regard to the invasion of privacy, the court said that the incident report was considered to be public criminal justice information. Such information can be provided by one criminal justice agency to the other. Since the sheriff provided the report to the DHS, Harp couldn't succeed on his invasion-of-privacy claim. The court upheld judgment on his remaining claims based on the facts of the case. *Harp v. Matthews*, 2007 MT 274N (October 22, 2007).

Practical application This case reminds us that employees do have privacy rights regarding certain information, but not all information. In this case, the employee was the subject of a criminal incident report that was reported from one law enforcement agency to another. Thus, his conduct wasn't private and wasn't protected. If you aren't a criminal justice agency, you will want to be careful when you're considering using off-duty conduct as a basis for discipline. Unless that conduct relates directly to the employee's job in some way, it is probably none of your business.

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December 2007 County Labor Force Statistics
Non-Seasonally Adjusted

Area	Labor Force	Employed	Unemployed	Rate
Montana	496,917	478,527	18,390	3.7
Beaverhead	4,743	4,612	131	2.8
Big Horn	5,033	4,709	324	6.4
Blaine	2,618	2,507	111	4.2
Broadwater	2,258	2,166	92	4.1
Carbon	5,664	5,519	145	2.6
Carter	610	588	22	3.6
Cascade	40,713	39,330	1,383	3.4
Chouteau	2,356	2,283	73	3.1
Custer	5,583	5,385	198	3.5
Daniels	716	694	22	3.1
Dawson	4,206	4,087	119	2.8
Deer Lodge	3,782	3,607	175	4.6
Fallon	1,628	1,597	31	1.9
Fergus	5,505	5,244	261	4.7
Flathead	45,336	43,255	2,081	4.6
Gallatin	49,228	47,928	1,300	2.6
Garfield	601	581	20	3.3
Glacier	5,417	4,981	436	8.0
Golden Valley	564	533	31	5.5
Granite	1,213	1,154	59	4.9
Hill	7,800	7,485	315	4.0
Jefferson	5,849	5,658	191	3.3
Judith Basin	958	917	41	4.3
Lake	11,460	10,811	649	5.7
Lewis & Clark	32,246	31,255	991	3.1
Liberty	718	692	26	3.6
Lincoln	7,780	7,051	729	9.4
McCone	905	883	22	2.4
Madison	4,137	4,010	127	3.1
Meagher	834	780	54	6.5
Mineral	1,844	1,744	100	5.4
Missoula	60,537	58,410	2,127	3.5
Musselshell	1,926	1,812	114	5.9
Park	8,723	8,338	385	4.4
Petroleum	222	207	15	6.8
Phillips	1,988	1,889	99	5.0
Pondera	2,708	2,601	107	4.0
Powder River	816	788	28	3.4
Powell	2,532	2,377	155	6.1
Prairie	501	482	19	3.8

Ravalli	18,128	17,208	920	5.1
Richland	5,410	5,303	107	2.0
Roosevelt	3,644	3,420	224	6.1
Rosebud	3,831	3,644	187	4.9
Sanders	4,560	4,185	375	8.2
Sheridan	1,603	1,554	49	3.1
Silver Bow	16,759	16,145	614	3.7
Stillwater	4,389	4,241	148	3.4
Sweet Grass	2,997	2,948	49	1.6
Teton	2,898	2,792	106	3.7
Toole	2,398	2,348	50	2.1
Treasure	355	338	17	4.8
Valley	3,495	3,372	123	3.5
Wheatland	941	904	37	3.9
Wibaux	457	442	15	3.3
Yellowstone	82,792	80,732	2,060	2.5